

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT TAYLOR, Mayor, City of Roseville;
DOUGLAS R. ALEXANDER, City Manager,
City of Algonac; MATTHEW BIERLEIN,
County Commissioner, Tuscola County;
DONALD LYONS, Mayor, City of Dowagiac;
TODD R. ROBINSON, Superintendent, New Haven
Community Schools; RUSSELL
PICKELL, Superintendent, Riverview
Community Schools; KELLY COFFIN,
Superintendent, Tecumseh Public Schools;
KIMBERLY AMSTUTZ-WILD, School Board
President, Tecumseh Public Schools; KEITH
WUNDERLICH, Superintendent, Waterford
School District; ROBERT SEETERLIN, School
Board President, Waterford School District;
MICHELLE IMBRUNONE, Superintendent,
Goodrich Area Schools; DAVID P. PRAY,
Superintendent, Clinton Community Schools;
PATRICIA MURPHY-ALDERMAN,
Superintendent, Bryon Area Schools; AMY
LAWRENCE, School Board President, Byron
Area Schools; AMY LAWRENCE, School
Board President, Byron Area Schools; ROBERT
D. LIVERNOIS, Superintendent, Warren
Consolidated School District; YVONNE
CAAMAL CANUL, Superintendent, Lansing
School District; in their individual and official
capacities; and STEPHEN PURCHASE, in his
individual capacity,

Plaintiffs,

No. 2:16-cv-10256

HON. JOHN CORBETT
O'MEARA

MAG. R. STEVEN
WHALEN

RUTH JOHNSON, in her official capacity as
Secretary of the State of Michigan; and the
STATE OF MICHIGAN,

Defendants.

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**CONSENT MOTION AND BRIEF IN SUPPORT OF THE MICHIGAN
MUNICIPAL LEAGUE, THE MICHIGAN ASSOCIATION OF
COUNTIES, THE MICHIGAN TOWNSHIPS ASSOCIATION,
AND THE CONFERENCE OF WESTERN WAYNE TO
FILE AN *AMICUS CURIAE* BRIEF IN SUPPORT OF PLAINTIFF**

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INTRODUCTION

The Michigan Municipal League, the Michigan Association of Counties, the Michigan Townships Association and the Conference of Western Wayne (the “Associations”) through counsel, Dykema Gossett, PLLC, respectfully submit this motion for leave to file the attached *amicus curiae* brief in support of Plaintiffs.

Filing an amicus brief is a “privilege within the sound discretion of the courts depending upon a finding that the proffered information . . . is timely, useful, or otherwise necessary to the administration of justice.” *United States v State of Michigan*, 940 F. 2d 143, 165 (6th Cir. 1991). “An *amicus curiae* brief should normally be allowed ... when the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Mich. Dep’t of Transportation v. Detroit Int’l Bridge Co.*, No. 10-12334, 2010 U.S. Dist. LEXIS 145195 at *5 (E.D. Mich. July 22, 2010) (quoting *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

A. The Brief Is Timely.

The Associations note that leave was granted to the *Amicus* Freedom Fund to file a brief by February 2, 2016. The Brief of Proposed *Amici* is being filed by the same date.

B. The Association Has Unique Information And Perspective Beyond What The Original Plaintiffs Bring To The Case.

The Associations represent a much broader, more numerous, and more diverse group of cities, villages, townships, and counties through their memberships in the Associations than do the Plaintiffs. The interests of the Associations and their respective members bring the perspective of a more diverse and varied base of election activity than the more isolated view of an individual municipality or school district. The types of election issues confronted across the state may not be faced by each individual governmental entity, but can be brought to light by the Associations representing, collectively, the multiple cities, villages, townships and counties from across Michigan.

C. All Parties Have Stipulated To The Associations Filing A Brief As *Amicus Curiae*.

All parties have stipulated to the Associations filing a brief as *amicus curiae* in support of Plaintiffs.

CONCLUSION AND RELIEF REQUESTED

Because: (1) the parties have stipulated to the Associations' filing an *amicus* brief; (2) the Associations bring a unique perspective to the case; and (3) the Associations otherwise meet the criteria for filing of an *amicus* brief, the attached brief is timely filed and its consideration will not delay these proceedings. For these reasons, the Associations respectfully request that this Court grant its Motion

for Leave to file the attached brief as *amicus curiae*.

Dated: February 2, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2016, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record. I hereby certify that I have mailed by United States Postal Service the same to any non-ECF participants.

Dated: February 2, 2016

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